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8	Attorneys for Non-Party Anthony Levandowski		
9	UNITED STATES DISTRICT COURT		
10	NORTHERN DISTRICT OF CALIFORNIA		
11	SAN FRANCISCO DIVISION		
12	WAYMO LLC,) Case No.: 3:17-cv-00939 WHA	
13	Plaintiff,	DECLARATION OF MILES EHRLICH	
14	V.) IN SUPPORT OF PLAINTIFF) WAYMO'S ADMINISTRATIVE MOTION TO FILE UNDER SEAL	
15	LIDED TECHNIQUE OCIEGUNIC) MOTION TO FILE UNDER SEAL) PORTIONS OF ITS REPLY IN	
16	UBER TECHNOLOGIES, INC., et al., Defendants.) SUPPORT OF MOTION FOR) CONTINUANCE OF TRIAL DATE	
17	Defendants.) AND DECLARATION OF DAVID) PERLSON IN RESPONSE TO COURT	
18) ORDER)	
19)	
20	I, Miles Ehrlich, declare as follows:		
21	1. I am an attorney licensed to practice in the State of California and am admitted to		
22	practice before this Court. I am a partner at the law firm Ramsey & Ehrlich LLP, counsel for		
23	Non-Party Anthony Levandowski. I have personal knowledge of the matters set forth in this		
24	Declaration, and if called as a witness I would testify competently to those matters.		
25	2. I make this declaration in support of Waymo's Administrative Motion to File		
26	Under Seal Portions of Its Reply In Support Of Motion For Continuance of Trial Date and the		
27	Declaration Of David Perlson In Response to Court Order, filed on September 19, 2017, Docket		
28	No. 1690 ("Waymo's Administrative Motion"). The Administrative Motion seeks an order		
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sealing the following documents based on Mr. Levandowski's designation of privilege:

Document	Portion to Be Filed Under Seal	Designating Party
Waymo's Reply in Support of Motion for Continuance of Trial Date ("Waymo's Reply")	Highlighted Portions	Anthony Levandowski (Yellow)
Declaration of David Perlson in Response to Court Order	Highlighted Portions	Anthony Levandowski (Yellow)
Exhibit 2 to Perlson Declaration	Entire document	Anthony Levandowski
Exhibit 5 to Perlson Declaration	Entire document	Anthony Levandowski

- 3. The yellow highlighted portions of Waymo's Reply primarily contain references to the contents of the Stroz report, which Mr. Levandowski has asserted and continues to assert is protected from disclosure under his Fifth Amendment privilege against self-incrimination under *Fisher v. United States*, 425 U.S. 391 (1975), and *United States v. Sideman & Bancroft, LLP*, 704 F.3d 1197 (9th Cir. 2013), as well as by the common interest/joint defense, attorney-client and attorney work product privileges. *See, e.g.*, Non-Party Anthony Levandowski's Motion for Protective Order, filed on September 19, 2017, Dkt. No. 1682. Certain yellow highlighted portions of Waymo's reply contain references to materials that Mr. Levandowski does not assert are protected from disclosure and do not merit sealing. These include the following yellow highlighted portions: Brief at 3:4-5, 9:11-23. Aside from the highlighted portions at 3:4-5, 9:11-23, we ask that the confidentiality of the remaining highlighted portions of Waymo's Reply be maintained until Mr. Levandowski's Motion for Protective Order is resolved.
- 4. The yellow highlighted portions of the Declaration of David Perlson primarily contain references to the contents of the Stroz report which Mr. Levandowski asserts are protected from disclosure for the reasons set forth above. Mr. Levandowsi does not assert the following highlighted portions are protected from disclosure: Perlson Declaration at 5:3-9, 5:20-

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25, 6:1-7. Aside from the highlighted portions at 5:3-9, 5:20-25, 6:1-7, we ask that the confidentiality of the remaining highlighted portions of the Perlson Declaration be maintained until Mr. Levandowski's Motion for Protective Order is resolved.

- 6. Certain yellow highlighted portions of the Declaration of David Perlson contain references to materials that Mr. Levandowski does not assert are protected from disclosure and do not merit sealing. These include the following yellow highlighted portions: Perlson Declaration at 5:3-9, 5:20-25, 6:1-7,
- 7. Although Waymo has designated Exhibits 2 and 5 to the Perlson Declaration as confidential in their entirety, Mr. Levandowski does not assert that these materials merit sealing.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct, and that this declaration was executed in Berkeley, California, on September 22, 2017.

Date: September 22, 2017

Respectfully submitted,

/s/ Miles Ehrlich

Miles Ehrlich

Ramsey & Ehrlich LLP

Counsel for Non-Party Anthony Levandowski

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